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09/583,301	05/30/2000	Robert Seliger	S1389/7009	2275

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/583,301

Applicant(s)

SELIGER, ROBERT

Examiner

LaShonda T. Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 48-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

This Office Action is in response to Applicant's RCE filed on August 19, 2005. Claims 1-38 have been cancelled. Claims 39-47 have been withdrawn. Newly added claims 48-67 are presented for examination.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 48, 51-63 and 65-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Besaw et al (hereinafter, "Besaw", U.S. Pat. No. 6,567,852).

As per claim 48, Besaw discloses a method for use in a computer system comprising at least a first computer, a second computer and a network that couples the first and second computers, the method comprising an act of:

- (A) sharing a context between at least first and second applications, the first application having a first user interface executing on the first computer, the second application

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1-8 and col. 4, lines 34-47; Besaw discloses a web user interface session that allows a user to share context information of different application between the web server and user).

As per claim 51, Besaw discloses:

- wherein the second computer comprises a Web server (col. 3, lines 1-8 and col. 4, lines 43-47).

As per claim 52, Besaw discloses:

- wherein the second computer is a publicly accessible server (col. 3, lines 1-8 and col. 4, lines 43-47).

As per claim 53, Besaw discloses:

- wherein the network comprises the Internet (col. 3, lines 1-8).

As per claim 54, Besaw discloses:

- wherein the network comprises a publicly available network (col. 3, lines 1-8 and col. 4, lines 43-47).

As per claim 55, Besaw discloses:

- wherein the sharing of the context comprises passing the context information using the HTTP protocol (col. 3, lines and col. 4, lines 43-47).

As per claim 56, Besaw discloses:

- wherein the first application executes on the first computer (col. 3, lines 20-35, col. 4, lines 34-37 and col. 6, lines 36-48).

As per claim 57, Besaw discloses:

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- wherein the first application executes remotely from the first computer (col. 3, lines 37-53).

As per claim **58**, Besaw discloses:

- wherein the computer system further comprises a third computer and wherein the first application executes on the third computer (col. 3, lines 1-8 and col. 4, lines 43-47).

As per claim **59**, Besaw discloses:

- wherein the third computer is a web server and the first user interface is a browser (col. 3, lines 1-8 and col. 4, lines 43-47).

As per claim **60**, Besaw discloses wherein the computer system further comprises a third computer, wherein the context comprises a first context, and wherein the method comprises an act of:

- (B) sharing a second context between at least third and fourth applications, the third application having a third user interface executing on the third computer, the fourth application having a fourth user interface executing on the first computer, the sharing of the second context comprising passing context information over the network between the third user interface and the context manager executing on the second computer and between the fourth user interface and the context manager (abstract, col. 2, lines 65-67, col. 3, lines 1-8 and col. 4, lines 34-47; Besaw discloses a web user interface session that allows a user to share context information of different application between the web server and user).

As per claim **61**, Besaw discloses:

- wherein the second computer comprises a server appliance (col. 4, lines 43-47).

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As per claim **62**, Besaw discloses:

- wherein the passing of the context information between the first user interface and the context manager comprises passing at least some of the context information from the first user interface to the context manager (abstract, col. 2, lines 65-67, col. 3, lines 1-8 and col. 4, lines 34-47; Besaw discloses a web user interface session that allows a user to share context information of different application between the web server and user).

As per claim **63**, Besaw discloses:

- wherein the passing of the context information between the first user interface and the context manager comprises passing at least some of the context information from the context manager to the first user interface (abstract, col. 2, lines 65-67, col. 3, lines 1-8 and col. 4, lines 34-47; Besaw discloses a web user interface session that allows a user to share context information of different application between the web server and user).

As per claim **65**, Besaw discloses:

- wherein the context information comprises information on at least one of a plurality of subjects comprising a user subject, a patient subject and an encounter subject (col. 6, lines 36-48, Besaw disclose a web user interface session that allows a user to share context information (customers, information and reports) between the server and user).

As per claim **66**, Besaw discloses a method for use in a system comprising a first computer, a second computer and a network that couples the first and second computers, the method comprising an act of:

- (A) sharing a context between at least first and second applications having respective first and second user interfaces executing on the first computer, the second application

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executing on the second computer, the sharing of the context comprising passing context information between the first user interface and the context manager and between the second application and the context manager (abstract, col. 2, lines 65-67, col. 3, lines 1-8 and col. 4, lines 34-47; Besaw discloses a web user interface session that allows a user to share context information of different application between the web server and user).

As per claim 67, Besaw disclose:

- wherein the passing of the context information between the second application and the context manager comprises passing at least some of the context information between the context manager and the second user interface (abstract, col. 2, lines 65-67, col. 3, lines 1-8 and col. 4, lines 34-47; Besaw discloses a web user interface session that allows a user to share context information of different application between the web server and user).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besaw in view of Judger et al (hereinafter, "Judge", U.S. Pat. No. 6,401,138)

As per claim 49, Besaw discloses the invention substantially as claims discussed above.

However, Besaw does not explicitly disclose:

- wherein the context comprises a data item usable by the first and second applications, the data item having a set of values comprising at least a first value corresponding to the first application and a second value corresponding to the second application, the set of values identifying a subject in the context, and wherein the act of sharing the context comprises, in response to a user of the first computer switching from the first application to the second application, exchanging the value of the data item corresponding to the first application with the value of the data item corresponding to the second application to retain the context.

Judge discloses an interface for patient context sharing and application switching comprising:

- wherein the context comprises a data item usable by the first and second applications, the data item having a set of values comprising at least a first value corresponding to the first application and a second value corresponding to the second application, the set of values identifying a subject in the context, and wherein the act of sharing the context comprises, in response to a user of the first computer switching from the first application to the second application, exchanging the value of the data item corresponding to the first application with the value of the data item corresponding to the second application to retain the context (abstract, col. 1, lines 44-62, col. 3, lines 48-51 and col. 4, lines 42-49).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besaw by incorporating a patient context interface to provide services to a plurality of programs within a medical information system which allows a user to change data values of data items and share patient context information thereby improving the usability of medical information system (or any other information system) that supports user switching among different applications that retain the same patient context.

As per claim **50**, Besaw discloses:

- wherein the passing of the context information over the network is performed using an Internet-based communication protocol (col. 3, lines 1-8, col. 4, lines 34-37).

As per claim **64**, Besaw discloses invention substantially as claims discussed above.

However, Besaw does explicitly disclose:

- wherein the context information is defined in accordance with a Clinical Context Object Workgroup (CCOW) standard.

Judge discloses an interface for patient context sharing and application switching which allows a user to change data values of data items and share patient context information (abstract, col. 1, lines 44-62, col. 3, lines 48-51 and col. 4, lines 42-49). Therefore, Judge implicitly discloses wherein the context information is defined in accordance with a Clinical Context Object Workgroup (CCOW) standard because the same functionality is achieved. The patient context interface and the Clinical Context Object Workgroup both allows users to patient context information and update data values of data items in different applications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besaw by incorporating a patient context interface to provide

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services to a plurality of programs within a medical information system which allows a user to change data values of data items and share patient context information thereby improving the usability of medical information system (or any other information system) that supports user switching among different applications that retain the same patient context.

### *Response to Arguments*

5. Applicant's arguments with respect to claims **48-67** have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,138, 120 to Gongwer et al

U.S. Pat. No. 5,862,377 to Lee

U.S. Pat. No. 5,964,836 to Rowe et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
October 22, 2005

  
MOUSTAFA M. MEIRY  
PRIMARY EXAMINER